

March 22, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 22nd day of March, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Fifth District	Fran Warner
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Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin V. Sansalone
Finance Director	Eileen Layman

IN RE: EXCUSE COUNCILMEMBER WARNER

Mayor Straight entertained a motion to excuse Councilmember Warner from tonight's meeting.

Motion:

Councilmember Yann moved to excuse Councilmember Warner. The motion was seconded by Councilmember Mainella.

The Mayor declared Councilmember Warner excused from tonight's meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. Maria Wilblin of the Wesley Foundation gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mainella.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 8, 2016.

Councilmember Weber moved to approve the minutes as submitted. The motion was seconded by Councilmember Yann.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE RIGHT OF WAY OF A PLATTED ALLEY SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN ALLEYWAY RUNNING WEST TO EAST FROM FAIRMONT AVENUE TO GASTON AVENUE BETWEEN 10TH STREET AND 11TH ADJACENT TO THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 2 AND 3 OF MARION COUNTY TAX MAP 03-06, OWNED BY FAIRMONT AVENUE PROPERTIES, LLC; RESERVING ALL UTILITY RIGHTS.

Pursuant to a notice duly published in the Times-West Virginian on March 14, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the abandonment of a right-of-way from Fairmont Avenue to Gaston Avenue between 10th Street and 11th Street.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:05 p.m.

IN RE: AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT.

Pursuant to a notice duly published in the Times-West Virginian on March 14, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the renewal of the Letter of Credit by Wesbanco Bank for the City's Workers' Compensation Act.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

EILEEN LAYMAN, Finance Director, spoke in favor of the proposed ordinance. She mentioned this was the annual renewal of our Letter of Credit for the self-insured Workers' Comp Insurance.

There being no one else to speak, the public hearing was called to a close at 7:07 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 6 RHEA TERRACE (PARCEL 25 MAP 03-27); AND
BLK 3 LOT 3 RHEA TERRACE (PARCEL 28 MAP 03-27)**

FROM GORDON RALPHSNYDER; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS; AND TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION.

Pursuant to a notice duly published in the Times-West Virginian on March 14, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the purchase of parcels of real estate on Rhea Terrace.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:08 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1658 DULY ENACTED SEPTEMBER 8, 2015, TO CORRECT AN ERROR IN CODIFICATION IN THAT

SAID ORDINANCE FAILED TO CITE THE PROVISIONS OF *CLEARZONING®*, THE CITY’S CODIFIED PLANNING AND ZONING CODE; SAVINGS CLAUSE.

Pursuant to a notice duly published in the Times-West Virginian on March 14, 2016, a public hearing was convened to obtain citizen input on an ordinance to correct an error in the codification of the Clearzoning Code.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

KEVIN SANSALONE, City Attorney, spoke in favor of the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:10 p.m.

ANNOUNCEMENTS

IN RE: TEN COMMANDMENTS FOR OPEN MEETINGS

Councilmember Yann noted there was a good article in the newspaper and it would be good for all of us to look at. He said it was called “The Ten Commandments for Open Meetings”.

IN RE: SITUATION IN BELGIUM

Councilmember Linger sent out his thoughts to everyone in Belgium for the recent attacks that took place. He asked everyone to keep those people in our thoughts and remember to be compassionate about people even not in this country.

Councilmember Weber also expressed sympathy to the people of .

IN RE: FSHS BASKETBALL CHAMPIONS

Councilmember Burdick congratulated the Fairmont Senior High School Boys Basketball Team for winning the State Championship.

Councilmember Weber also extended congratulations to FSHS for winning the State Championship. He suggested the need for a Marion County Athletic Museum so these people and teams can be recognized.

Mayor Straight also congratulated the FSHS State Champs. He said that the City has reached out to them and invited the team to attend the April 12th meeting to be recognized.

IN RE: DEMOLITION OF STRUCTURES

Councilmember Burdick reported three structures that need to be demolished on Pennsylvania Avenue. He noted that one was the old Pitrolo's Market and the two adjacent houses next to the market building.

The Mayor replied that the City is in negotiations with the owners of those structures.

IN RE: MARION COUNTY HISTORICAL ASSOCIATION EXPO

Councilmember Weber noted that Saturday was the annual Marion County Historical Association expo showboating Marion County. He noted that it was a very nice event.

CITIZENS PETITIONS

IN RE: CVB ANNUAL REPORT

LEISHA ELLIOTT, Director of the Marion County Convention and Visitors Bureau presented the CVB's annual report to City Council. She also updated Council on advertising and other information regarding the CVB and then presented Council with a copy of their most recent Marion County Visitor Guide.

IN RE: BEVERY ESTATES

JOE COLASESSANO, 107 Daniel Drive, addressed Council regarding the development of Beverly Estates. He said that his subdivision has been in turmoil for the last ten years. He said that he has personally been part of the development for the last four years. He went on to say that originally the developers of this subdivision was Friend Construction and they were not made to uphold the regulations and ordinances in place by the City of Fairmont for a new development. He said approximately two years ago, Bright Enterprises took over the development and promised to fix all of the problems that the previous developer had left. He listed the City Codes that

are in violation. He then explained that, to this date, they still do not have curbs or storm drains. He mentioned that in Phase I, the drains are three inches above the blacktop and the water cannot get into the sewers because they are three inches above the blacktop. He noted that in Phase II, there are no storm drains whatsoever and he asked how the City Planner allowed that to happen. He then mentioned that the sanitary sewer lift station was supposed to have been moved before any new building began in Phase II but instead the new homes were built. Mr. Colasessano said that whenever there is a significant amount of snow, they have to call the City to have them come out and plow it because their development is not on their snow removal schedule. He said that this is not acceptable. He went on to say that two weeks ago he met with Mr. Gomez and he has been to their development and he is aware of their problems and agreed that the codes were not followed. He closed by saying that this is not the first time that they have come to City Council and that they have fallen on deaf ears one too many times and they expect fair treatment and a resolution to these problems.

Mr. Gomez responded by saying that he did meet with Mr. Colasessano and has been out to the development a few times, including when they had the massive snow back in January and he did not quite understand why the streets have not been plowed. He then said that it was brought to his attention that the development had not been turned over to the City for maintenance because it wasn't completely finished and he is still unsure how that came about. He stated that they have been managing to take care of the streets up to that time and the other issues relating to drainage are that the streets are not finished. Mr. Gomez said that he did meet with Bright Enterprises a couple weeks ago and they explained their process, but not in great detail, on how to get it resolved and he did write them a letter the day after they met asking and requesting when . . . essentially giving them 60 days to provide a reply as to when they will continue and correct the situations that are out there, mainly the drainage, the resurfacing of the road and the lift station issue. He went on to say that Bright Enterprises stated that they would like to continue with the development and finish the development by building six additional homes but there are some utility requirements that they will have to comply before they actually come in there and provide the plans. He noted that they will have to make the repairs to what needs to be repaired.

Mr. Gomez went on say that there is an escrow account for the City to maintain the existing roads which we will utilize that to get the roads at least resurfaced, hopefully this spring. He added that Mr. Sansalone is aware of some of these issues and these are things that occurred, may be should have occurred in a different way, and the developer was under-capitalized, and they ended up declaring bankruptcy and ended up in a little disarray. He added that we are continuing to address it and get this resolved as quickly as we can. He told Mr. Colasessano that we will continue to address those issues and make sure that they are corrected as soon as we can.

Councilmember Yann said that even though the new developer has not responded to the letter yet, do they seem like they will do something.

Mr. Gomez said that the resolution that we will look at is getting it completed.

Councilmember Yann then asked if there was legal action or fines if they don't get it completed.

Mr. Gomez said that he will have to refer that to Mr. Sansalone but we would pursue whatever we can legally pursue to enforce and ensure that they finish what they should have. He noted that they are picking up the pieces and are now responsible since they are the owners of the development.

Councilmember Mason asked if they do respond to the letter but don't finish the work that needs to be finished, what are we prepared to do. He asked if we were serious about getting it fixed because it sounds like a lot of people have heard the problem, looked at the problem and kind of put it on the other side of the desk. He asked what is the action after we don't either not receive the letter or the letter is not satisfactory.

Mr. Gomez said that we will take any and all legal action that we could. He said that we will hold them to comply with existing city ordinances and certainly the ones that Mr. Colasessano pointed out but probably others as well.

Mr. Sansalone said that we can do what we can do. He noted that you can't get blood out of a turnip.

Councilmember Weber noted that you have been trying to get blood out of this turnip for a long time.

Mr. Sansalone explained that the Planning Commission made the decision not to require Friend Construction to post a bond. He has been trying to get blood out of a turnip which was approximately ten years ago and there should have never been any building permits issued for the subdivision until they were compliant. He noted that there was one mistake made after another mistake including Mr. Colasessano's building permit. He said that Mr. Colasessano indicated that the subdivision was in existence for approximately ten years but he has only lived there for four years so the problem has compounded by the continual issuance of building permits and he does not have control over when a person comes in and applies for a building permit or who gives a building permit, he is not the regulator of that end of it. He noted that it only comes to him after the problem exists. He has done everything that he possibly can do including record Deeds of Trust for escrow agreements, all of the paving that has been done, all of the work that has been done on the roads is solely because there was an escrow agreement in place where by when they would ultimately sell a house or sell a lot, that the City would receive a portion of those proceeds and provide for a release of that lot so that it could be sold. He said that we currently have a deed of trust with the new owners to cause the escrow agreement to expand. Mr. Sansalone went on to say that no one came to him at the outset and ask him should we not require a bond, they made that decision without his input or without his advice and he would have told them absolutely not because he would have foreseen the problem if you had no recourse and nobody with a deed pocket and nobody to go after. He added that once a person files bankruptcy, they are basically exempt from enforcement action and these kind of circumstances, it is just compounded, one problem after the other.

Mr. Gomez said that going forward, it does not address the current issue, but we are now in the process of ensuring that we do not issue building permits to when we have not gone through our entire process to ensure that we should be issuing a building permit and ensuring the compliance ahead of time and that does not address the issue that we are dealing with but certainly just to give you something to go forward with.

Councilmember Mason asked if it was possible to have an action plan for the next meeting.

Mayor Straight said the City Manager will have a plan as soon as he gets with Mr. Sansalone and will send Council a copy.

Mr. Sanslone gave Council an example of the situation. He said once the houses were built, there was a question of what the addresses were going to be. Then the developer and people that lived out there wanted the City to provide them with addresses so they could start getting their mail and apply for utilities and do all the things that is required when a person has an address. In an effort to accommodate them, the City said, okay, we will name the streets but we are not going to take them over or dedicate them for public use until such time as they are in compliance with the regulations that relate to streets. So we accommodated the home owners and we accommodated the people who wanted addresses which is now coming back to being an issue with Mr. Colasessano and all of the other home owners because they really want the streets dedicated but the decision was made at the time not to dedicate them to public use until such time as they were in compliance, which they still aren't. That is why there is an issue as Mr. Gomez pointed out with the paving and with the plowing and with all of the other things because in reality they should have never been addressed and they should never have been named. He said that there should never been one house out there but you are compelled to make decisions to accommodate people then the problems continually compound and that's why we are here today and that is why we are having this discussion because now they have compounded into a point where Mr. Colasessano is demanding action when he, in reality, should have never had a building permit. He said that if he remembers correctly, he had discussions with people at the City regarding the problems that existed out there before his building permit was ever issued. He said that he believed that Mr. Colasessano understood the sewage issues and believed he understood all of the other issues and he is not trying to make excuses because really there is no excuse from how it occurred from the very beginning but the problems has compounded and magnified and continually compounded and continually magnified. He said that he does not know if it will ever go away and there are some problems that defy resolution to the satisfaction of the people who are demanding resolution. He said that he will do everything in his power and under the law to provide a resolution; however, he cannot tell Council whether they will be satisfied.

Councilmember Mason said that it has to go away.

Mr. Sanslone said there are things that never go away.

Councilmember Mason said that you cannot kick this can down the road.

Mayor Straight said that we can sit here and pass the buck and point fingers but he thinks from today, Mr. Gomez has been there and has met with Mr. Sansalone and Mr. Colasessano so from today on we can move on.

Councilmember Weber said that he agrees with Councilmember Mason that we can't kick it down the road any more, this is ridiculous. He said that he thought 60 days is plenty of time to solve some of these problems. He said that we have heard this several times.

Mr. Sanslone said that he is not arguing with him, he has heard it a thousand times and he has not kicked it down the road. He said that everything that has been done out there has been done because of something he did or Kathy Wyrosdick did or someone else at the City did, it was never because of what the developer did or what the developer promised to do or what the Planning Commission did. It was always because of what "city staff" did in an effort to accommodate the residents and to provide for the things that the City Code requires that are to be provided for. It was never because someone kicked it down the road, it was because someone tried to address the problem and resolve the problem to the satisfaction of the person who was complaining.

Councilmember Weber said those people live out there and pay their taxes and that is their home and they want this resolved and we serve no purpose if we can't resolve this issue. He said this is only one issue.

Mr. Sanslone said the resolution is to just spend municipal funds to resolve it because he has done everything that he can possibly do to get a bankrupt entity to resolve it. He has done everything he can possibly do to get the people who are responsible to resolve it to no avail. He said you can't sue someone who has filed bankruptcy and then to say to the new developer you are responsible for all of the sins of the past, there is legal defenses to that.

Councilmember Weber said that we are also responsible for the sins of the past. If the enforcement wasn't done and stopped early, then we are at fault as well.

Mr. Sanslone said then back to his resolution, is to just spend city funds or recommend the expenditure of city funds to resolve all of the problems which include the sewer, the extension of the water lines, the paving of the streets, the development of curb and gutter, and all of the things that Mr. Friend was supposed to do, with Friend Construction, and was supposed to do before they filed bankruptcy.

Councilmember Weber said that we ought to do something to start the resolution.

Mr. Gomez said we will.

Councilmember Weber said that was absurd.

Mr. Gomez said he will bring Council back an action plan as to how we can resolve this and what our options are and what our options are to the new owner and let the homeowners know. He said that he will bring Council back something to look at and it may require the City to eat some of the expenses, however, we prefer not to but we are going to make every effort to correct this so that at a minimum you will have roads out there and you don't have standing water. He said that he cannot determine a cost or what that might be or commit to do that, that is Council's decision, but at a minimum we will do that and bring that back to Council at the next meeting.

Councilmember Mainella asked if there was a ballpark figure as to what it is going to cost to solve this.

Mr. Gomez said that the current escrow amount

Mr. Sansalone said that it is not anywhere near what it is going to cost. He said that he believes that every time they sell a lot, the City gets \$10,000 and there was a reimbursement process for the installation of the sewer lines and we negated that and he believed we have somewhere in the amount of \$40,000 to \$50,000 in the current escrow. We also have an escrow agreement process with the current owner so when they sell houses and sell lots, they are going to follow the same process with regard to giving the City money for the development of the infrastructure to the end of the development.

Councilmember Weber asked about bringing the developer to Council so they can be questioned on what they are . . .

Mr. Sansalone said that Council does not have subpoena power for that kind of thing.

Mr. Gomez said that maybe we can ask them.

Mr. Sansalone asked Mr. Weber if he was referring to Mr. Friend, Friend Construction, or do you want the new owner in here.

Councilmember Weber replied who ever owns the property. He asked who owns the development.

Mr. Gomez said that it was owned by Bright Enterprises.

Councilmember Weber said to bring their ass in here.

Councilmember Yann asked if that would really be productive. He said that Mr. Gomez has the situation started and maybe we haven't gotten the answers back that he is trying to develop so before we bring someone in here and really pound into them, let's see what Mr. Gomez can get out of them first.

Councilmember Mainella said that it sounds like that they did not assume the liabilities of the old corporation.

Mr. Sansalone said that they bought it at a foreclosure sale. They did not buy it through bankruptcy or the bankruptcy process. The previous owner defaulted on the Deed of Trust that the property was used as security for and the new owner bought it at a foreclosure sale so they bought it free and clear of all liens and encumbrances and they did not buy it through the bankruptcy process. He added that the bank foreclosed because the original owner failed to pay the mortgage payments and the new owner bought it at a Deed of Trust sale.

Councilmember Mainella said that if we are not going to issue any building permits, what sense is it that somebody would buy a lot there if they can't build a house on it.

Mr. Sansalone said that you are at a catch 22. That's where we have been ever since the original decision was made not to force the original developer to have a bond and hold his feet to the fire. He said the Planning Commission made the decision to allow him to post a letter of credit from a bank, an irrevocable letter of credit as opposed to a performance bond. Then when it came down to a demand that was made, his credit was shot and he couldn't get the irrevocable letter of credit and no one was going to bond him at that point. He said that all of those decisions were made without his advice or his input and unfortunately he's the only guy sitting here left.

Mayor Straight said point well taken. He said that we need to let Mr. Gomez and Mr. Sansalone do what they have to do and hopefully we can carry on from here and get this taken care of.

Councilmember Weber said that there needs to be a time limit on it so it doesn't drag on and on and on.

Councilmember Mainella said but there is no funding source to fix it so it is going to drag on forever.

Mr. Sansalone said that if we take him to court, you are looking at a resolution miles from 120 days.

Councilmember Mason said that he wants to take a look at the action plan.

Mayor Straight said that we have to wait until they get their action plan put together and then get it to Council.

IN RE: PAVING OF FRANKLIN COURT

DONNA WELLS, 10 Franklin Court, addressed Council regarding the condition of her street. She then asked Council if Franklin Court could be considered for paving this year.

Councilmember Mainella asked if the list for this year's paving has been compiled yet.

Mr. Gomez said that they have a tentative list that has been forwarded to Council. He noted that it is currently being reviewed by the Utility Department and is not final.

Councilmember Weber said that we can fix her problem. He said that he is going to kick this stuff down the road. He said that we have \$2.00 per week coming in from everybody, even from Rivesville, paying their two bucks per week and let's fix this property for this lady.

The Mayor said that Councilmember Weber knows that you just don't go in and pave a street. You have to look at the utilities in that street and what good does it to go in there and pave the street and then have to go back in there and dig it up because of problems with the utilities.

Councilmember Mainella noted that it was a pretty new neighborhood.

Mr. Gomez said that he will look into it on Wednesday and let Mrs. Wells know.

IN RE: CANDIDATE FOR SENATE

JACK OLIVER, 4 Sunset Drive, addressed Council and stated that he was a candidate for State Senate and would like the opportunity to serve the citizens of Fairmont. He introduced himself to Council and those that were in attendance.

IN RE: COMMUNITY PICNIC

DIAMOND BROWN, 205 Norval Street, invited Council to attend the Community Picnic that they are having on Saturday, April 2nd. She noted that, before the picnic, they will be having a parade from Mt. Zion out Maple Avenue to show our support to the community. She added that they want to start building relationships in the community with City Council.

CITY MANAGER'S REPORT

IN RE: FRANKLIN COURT PAVING

Mr. Gomez stated that Franklin Court is on our current paving list from Big Tree Drive to the cul-de-sac.

Councilmember Linger mentioned that last year the paving began very late and there is probably a good chance that Franklin Court was on the list last year and maybe a few streets had to get kicked off because by the time the paving company got here in Fairmont there wasn't much time left for the paving because of the weather.

IN RE: CVB PRESENTATION

Mr. Gomez thanked Leisha Elliott for her presentation.

IN RE: STRUCTURES ON PENNSYLVANIA AVENUE

Mr. Gomez responded to Councilmember Burdick's concerns about the buildings on Pennsylvania Avenue. He noted that we have begun the process to acquire five parcels along Pennsylvania Avenue to include the ones that he mentioned. He said that it will take time to search deeds and titles and then the City's intention is to, after acquiring the properties, subsequently demolish the structures. He mentioned that the City has obtained some preliminary bids on the demolition costs and get those taken down, cleaned, and then obviously we will be become the owners of the property and then will begin to market those parcels and look for future development.

IN RE: MARCH EMPLOYEE OF THE MONTH

The City Manager stated that he began an "Employee of the Month" program and this is where he will go around to different areas of the City and allow the employees to choose a co-worker who they feel has stood out and done some work. He said that he started this initially on the Third Floor at City Hall and Kevin Sansalone was the first inaugural employee of the month.

IN RE: FIRE CHIEF JAMES EMERICK TO RETIRE

Mr. Gomez announced that Fire Chief, James Emerick, will be retiring effective March 27, 2016 after 34 years of years. He then thanked Chief Emerick for his years of service to the City of Fairmont.

IN RE: ANNUAL AUDIT PRESENTATION

Mr. Gomez presented Council with a copy of our external audit for the last fiscal year ending June 30, 2015 and noted that Tetrick and Bartlett will be attending a future Council meeting to make a presentation on the annual audit.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE RIGHT OF WAY OF A PLATTED ALLEY SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN ALLEYWAY RUNNING WEST TO EAST FROM FAIRMONT AVENUE TO GASTON AVENUE BETWEEN 10TH STREET AND 11TH ADJACENT TO THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 2 AND 3 OF MARION COUNTY TAX MAP 03-06, OWNED BY FAIRMONT AVENUE PROPERTIES, LLC; RESERVING ALL UTILITY RIGHTS.

Mayor Straight entertained a motion for the adoption of an ordinance providing for the abandonment of a right of way between Fairmont Avenue and Gaston Avenue and between 10th Street and 11th Street.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote Council and the ordinance designated as Ordinance No. 1675 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT.

Mayor Straight entertained a motion for the adoption of an ordinance authorizing the renewal of the Letter of Credit by Wesbanco Bank for the Workers' Compensation Act.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Linger seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote Council and the ordinance designated as Ordinance No. 1676 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 6 RHEA TERRACE (PARCEL 25 MAP 03-27); AND
BLK 3 LOT 3 RHEA TERRACE (PARCEL 28 MAP 03-27)**

FROM GORDON RALPH SNYDER; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS; AND TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION.

Mayor Straight entertained a motion for the adoption of an ordinance providing for the purchase of parcels of real estate on Rhea Terrace.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote Council and the ordinance designated as Ordinance No. 1677 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1658 DULY ENACTED SEPTEMBER 8, 2015, TO CORRECT AN ERROR IN CODIFICATION IN THAT SAID ORDINANCE FAILED TO CITE THE PROVISIONS OF *CLEARZONING*®, THE CITY'S CODIFIED PLANNING AND ZONING CODE; SAVINGS CLAUSE.

Mayor Straight entertained a motion for the adoption of an ordinance providing for an amendment to correct an error in the codification of the Clearzoning Code.

Motion:

Councilmember Burdick moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote Council and the ordinance designated as Ordinance No. 1678 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN INCREASE IN THE FRANCHISE FEE CONTAINED IN THAT CERTAIN CABLE SYSTEM FRANCHISE AGEEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC., FROM 3% TO 5% AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH.

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for an increase in the franchise fee for Comcast.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mason seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 12, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS.

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the public auction of surplus personal property.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Weber seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for April 12, 2016 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION PROCLAIMING APRIL 2016 AS FAIR HOUSING MONTH IN THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of a resolution proclaiming April 2016 as "Fair Housing Month" in the City of Fairmont.

Motion:

Councilmember Linger moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Burdick.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Linger.

The Mayor declared the meeting adjourned by voice vote of Council at 8:25 p.m.

